

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BASF CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	1:06CV00229
)	
SYNGENTA CROP PROTECTION, INC.;)	
and SYNGENTA PARTICIPATIONS AG,)	
)	
Defendants.)	

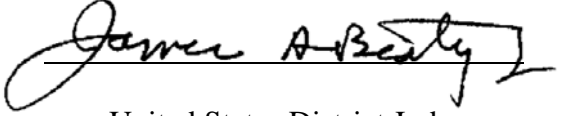
ORDER

This matter is before the Court on a Motion for a Preliminary Injunction [Document #5] filed by Plaintiff BASF Corporation (“Plaintiff”). In its Motion, Plaintiff asks the Court to restrain Defendants Syngenta Crop Protection, Inc. and Syngenta Participations AG (“Defendants”) from promoting or selling a fungicide product under the name and mark HEADWAY, which Plaintiff contends is confusingly similar to and infringes on Plaintiff’s federally registered trademark for its fungicide product HEADLINE. The Court has reviewed the briefs and evidence submitted by the parties, and has conducted a hearing in which the parties raised numerous factual and legal issues. The Court has also reviewed the additional documents, affidavits, and other evidence submitted by the parties since the hearing. However, the Court notes that the parties have now neared the end of their discovery period, and this case is ready for trial. The parties anticipate that the trial will last four days, and a jury trial has not been demanded. Having reviewed the issues raised in the Motion for Preliminary Injunction, the Court concludes that these matters would best be resolved after a bench trial at which all of the

relevant issues can be more fully presented, and any harm alleged by Plaintiff can be addressed by a prompt trial on the merits. Cf. Fed. R. Civ. P. 65(a)(2) (providing for consolidation of an application for preliminary injunction with a trial on the merits).

IT IS THEREFORE ORDERED that Plaintiff's Motion for a Preliminary Injunction [Document #5] is DENIED. IT IS FURTHER ORDERED that this case is set for trial before the undersigned District Court Judge during the January 2007 Civil Trial Session.

This, the 17th day of October, 2007.


United States District Judge